

Date (time)  
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Tuesday  
1/22

LRB- 1137 P1

# DOA BUDGET DRAFT

PG: cev : \_\_\_\_\_

Use the appropriate components and routines developed for bills.

>>FOR BUDGET — NOT READY FOR INTRODUCTION<<

*per*

AN ACT ... [DO NOT generate catalog]; relating to: the budget. ....

.....

.....

## Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: ..... create → anal: → title: → head

For the subheading, execute: ..... create → anal: → title: → sub

For the sub-subheading, execute: ..... create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: ..... create → anal: → text

EDUCATION

PRIMARY AND SECONDARY EDUCATION

(prelim draft)

FE-SL

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION #.



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-0745/1

PG:ccw:rs

Stays

2013 BILL

don't  
gen

*[Handwritten signature]*

1 AN ACT *to repeal* 118.40 (2) (b) 1. and 2., 118.40 (2r) (c) and (cm) and 118.40 (7)  
2 (am) 3.; *to renumber* 118.51 (1) (a); *to renumber and amend* 118.40 (2) (b)  
3 (intro.), 118.40 (3) (d), 118.40 (3) (e), 118.40 (4) (a) and 118.40 (4) (c); *to amend*  
4 40.02 (28), 40.02 (36), 111.81 (7) (f), 111.815 (1), 111.825 (2) (f), 111.92 (1) (c),  
5 115.001 (1), 115.001 (16), 118.40 (2m) (b), 118.40 (2r) (b) 1. (intro.), 118.40 (2r)  
6 (b) 2., 118.40 (2r) (b) 3. (intro.), 118.40 (2r) (bm), 118.40 (2r) (d) (intro.), 118.40  
7 (2r) (e) 4., 118.40 (4) (title), 118.40 (6), 118.40 (7) (am) 1., 118.40 (8) (a) (intro.),  
8 118.40 (8) (f) 1., 118.40 (8) (g) 2., 118.40 (8) (g) 3., 121.02 (1) (a) 2., 121.05 (1) (a)  
9 9., 121.08 (4) (a) 1., 121.08 (4) (a) 2., 230.08 (2) (dm) and 230.35 (1s); *to repeal*  
10 *and recreate* 118.40 (2r) (b) 4.; and *to create* 15.07 (1) (a) 7., 15.07 (2) (c), 15.56,  
11 20.265, 20.923 (4) (e) 1. c., 20.923 (6) (aLm), 40.05 (2) (f) 9., 118.19 (14), 118.395,  
12 118.40 (2r) (b) 1. e. and f., 118.40 (2r) (g), 118.40 (2r) (h), 118.40 (2r) (i), 118.40  
13 (2r) (j), 118.40 (2s), 118.40 (2t), 118.40 (3) (f), 118.40 (3) (g), 118.40 (3m) (intro.),  
14 118.40 (3m) (a) and (d) to (f), 118.40 (4) (ag), 118.40 (4) (ar) 3., 118.40 (4) (d),

**BILL**

1 118.40 (7) (c), 118.51 (1) (ag), 119.60 (5) and 230.08 (2) (wc) of the statutes;  
2 **relating to:** charter schools, creating a Charter School Authorizing Board,  
3 granting rule-making authority, and making an appropriation.

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***Analysis by the Legislative Reference Bureau***

Under current law, school boards may enter into contracts with individuals, groups, businesses, or governmental bodies to establish charter schools, which operate with fewer constraints than traditional public schools. Current law also permits the University of Wisconsin (UW)-Milwaukee, UW-Parkside, the Milwaukee Area Technical College, and the city of Milwaukee to operate charter schools (independent charter schools) directly or to contract for the operation of such charter schools. In general, only pupils who reside in the school district in which an independent charter school is located may attend the charter school. No entity authorized to establish an independent charter school may establish a virtual charter school.

This bill allows a cooperative educational service agency (CESA) to contract for the operation of independent charter schools. The bill also creates an independent state agency, the Charter School Authorizing Board (CSAB), and authorizes it to contract for the operation of independent charter schools. The CSAB consists of the state superintendent of public instruction and six other members. Of the latter members, two are appointed by the governor and four by the leaders in the senate and assembly. The bill prohibits the CSAB from promulgating administrative rules. The bill permits the CSAB and a CESA to contract for the establishment of charter schools located anywhere in the state, although the CSAB may contract only with a nonprofit corporation and only if the charter school will be located in a school district with an enrollment of less than 2,000.

The bill eliminates the authority of the entities specified above to establish an independent charter school directly. Under the bill, a charter school may be established only by contract. The bill removes the restrictions that limit who may attend an independent charter school. Under the bill, only a school board or a CESA may establish a virtual charter school.

The bill allows a charter school contract to provide for more than one charter school, and allows a charter school governing board to enter into more than one contract. Until the 2019-20 school year, the bill limits the number of contracts that the CSAB may enter into.

The bill provides that if a nonprofit corporation wishes to contract with the CSAB to operate a charter school, it must apply concurrently to the CSAB and the school board of the school district in which it wishes to locate the charter school by July 1. The school board has until October 1 to enter into a contract with the nonprofit corporation unless the school board and the nonprofit corporation jointly request the CSAB for an additional 30 days. If the school board does not wish to contract with the corporation or fails to successfully negotiate a contract with the

**BILL**

corporation, the application is referred to the CSAB. The CSAB must determine by February 1 whether to contract with the corporation.

The bill provides that the governing body of a nonprofit corporation that has established one or more charter schools under a contract with a school board or other entity (other than the CSAB) may contract with the CSAB to operate a charter school without following the requirements described above. The bill requires the nonprofit to provide the CSAB with specified information about the proposed charter school, and requires the CSAB to contract with the nonprofit if it determines that all of the following apply:

1. The charter school will be located in a school district in which the nonprofit has established one or more charter schools under contract with a school board or other entity.

2. The school district has a graduation rate that is lower than 75 percent.

3. If fewer than 50 percent of the pupils in the school district are eligible for a free or reduced-price lunch, an average of at least 90 percent of the pupils attending charter schools operated by the nonprofit in the school district scored at the proficient or advanced level in the reading and mathematics portion of the state assessments.

4. If 50 percent or more of the pupils are eligible for a free or reduced-price lunch, the average described above must be at least 75 percent.

The bill requires every charter school under contract with the CSAB to pay an annual fee to the CSAB. The bill allows a charter school under contract with an authorizing entity, including the CSAB, to provide health care for its employees under the Group Insurance Board health coverage plan for local government employees if the charter school has become a participating employer in the Wisconsin Retirement System. Although a charter school's employees are not state employees and may not be local government employees, the bill provides that a charter school's governing board may elect to become a participating employer under the Wisconsin Retirement System.

Current law prohibits a school board from converting all of the public schools in the school district to charter schools unless the school board provides alternative public school attendance arrangements for pupils who do not wish to attend or are not admitted to a charter school. In addition, a school board may not grant a petition to establish a charter school that would result in the conversion of all the public schools in the school district to charter schools unless at least 50 percent of the teachers employed by the school district sign the petition.

This bill eliminates the conditions on converting all of a school district's public schools to charter schools and explicitly permits a school board to do so.

Current law provides that no pupil may be required to attend a charter school without his or her approval, if the pupil is an adult, or the approval of his or her parents, if the pupil is a minor. This bill provides that this prohibition does not apply if all of a school district's public schools are converted to charter schools.

The bill requires that a charter school accept pupils at random if the capacity of the school is insufficient to accept all applicants. A charter school must, however, give preference in enrollment to pupils who were enrolled in the school in the previous school year and to siblings of pupils who are enrolled in the school. In

**BILL**

addition, the bill allows a charter school to give preference in enrollment to children of the charter school's founders, governing board members, and full-time employees so long as the number of such children given preference constitutes no more than 10 percent of the school's enrollment.

The bill requires each charter school authorizer to submit an annual report to the legislature and the Department of Public Instruction (DPI) that includes the following:

1. An identification of each charter school under contract with it and each charter school that had its contract nonrenewed or revoked or that closed.
2. The academic and financial performance of each charter school.
3. Its operating costs, detailed in an audited financial statement.
4. The services it provided to the charter schools under contract with it.

The bill directs DPI to promulgate rules establishing a charter school teaching license that allows the licensee to teach multiple subjects in a charter school. The rules must require the applicant to demonstrate competence in each subject and must provide the applicant several means of doing so.

Under current law, pupils attending a charter school under contract with a school board are counted in the school district's enrollment for state aid purposes. This bill also counts in a school district's enrollment those resident pupils who are attending an independent charter school under contract with the CSAB or a CESA. However, the bill reduces the school district's state aid by an amount equal to the number of such pupils multiplied by the per pupil state aid amount that is paid to the independent charter schools.

Under current law, state aid to independent charter schools is funded by a reduction in general school aid, applied on a prorated basis to all school districts. This bill subtracts the total amount of the state aid reductions described above before calculating this prorated reduction amount.

Because this bill relates to public employee retirement or pensions, it may be referred to the Joint Survey Committee on Retirement Systems for a report to be printed as an appendix to the bill.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 15.07 (1) (a) 7. of the statutes is created to read:

2           15.07 (1) (a) 7. Members of the charter school authorizing board appointed  
3           under s. 15.56 shall be appointed as provided in that section.

4           **SECTION 2.** 15.07 (2) (c) of the statutes is created to read:

**BILL***oversight*

1           15.07 (2) (c) The chairperson of the charter school authorizing board shall be  
2 designated by the governor.

3           **SECTION 3.** 15.56 of the statutes is created to read: *oversight*

4           **15.56 Charter school authorizing board.** (1) There is created a charter  
5 school authorizing *oversight* board consisting of the state superintendent of public instruction  
6 and the following members appointed for 3-year terms:

7           (a) Two members appointed by the governor, at least one of whom has served  
8 on the governing board of a charter school established under s. 118.40 (2r), has been  
9 employed by a charter school established under s. 118.40 (2r), or has served on the  
10 governing body of an entity specified in s. 118.40 (2r) (b) 1. a. to e.

11           (b) 1. One member, who is not a legislator, appointed by the senate majority  
12 leader.

13           2. One member, who is not a legislator, appointed by the senate minority leader.

14           3. One member, who is not a legislator, appointed by the speaker of the  
15 assembly.

16           4. One member, who is not a legislator, appointed by the assembly minority  
17 leader.

18           (2) The appointing authorities under sub. (1) shall ensure to the extent feasible  
19 that members appointed to the board are geographically diverse and have experience  
20 and expertise in governing public and nonprofit organizations; in management and  
21 finance; in public school leadership, assessment, and curriculum and instruction;  
22 and in education law; and understand and are committed to the use of charter schools  
23 to strengthen public education.

24           (3) No member of the board appointed under sub. (1) may serve more than 2  
25 consecutive terms.

**BILL****SECTION 3**

1 (4) The board does not have rule-making authority.

2 **SECTION 4.** 20.265 of the statutes is created to read:

3 **20.265 Charter school authorizing board.** There is appropriated to the  
4 charter school authorizing board for the following programs:

5 (1) SUPPORT OF CHARTER SCHOOLS. (g) *Oversight*. All moneys received as fees  
6 under s. 118.40 (4) (ar) 3. to perform its functions under s. 118.40.

7 (h) *Gifts and grants*. All moneys received from gifts and grants for the purposes  
8 for which made.

9 **SECTION 5.** 20.923 (4) (e) 1c. of the statutes is created to read:

10 20.923 (4) (e) 1c. Charter school authorizing board: executive director.

11 **SECTION 6.** 20.923 (6) (aLm) of the statutes is created to read:

12 20.923 (6) (aLm) Charter school authorizing board: unclassified professional  
13 staff.

14 **SECTION 7.** 40.02 (28) of the statutes is amended to read:

15 40.02 (28) "Employer" means the state, including each state agency, any  
16 county, city, village, town, school district, other governmental unit or  
17 instrumentality of 2 or more units of government now existing or hereafter created  
18 within the state, any charter school under contract with a school board or with an  
19 entity specified in s. 118.40 (2r) (b) 1., any federated public library system established  
20 under s. 43.19 whose territory lies within a single county with a population of  
21 500,000 or more, a local exposition district created under subch. II of ch. 229, and a  
22 long-term care district created under s. 46.2895, except as provided under ss. 40.51  
23 (7) and 40.61 (3). "Employer" does not include a local cultural arts district created  
24 under subch. V of ch. 229. Each employer shall be a separate legal jurisdiction for  
25 OASDHI purposes.

**BILL**

**SECTION 8.** 40.02 (36) of the statutes is amended to read:

**40.02 (36)** "Governing body" means the legislature or the head of each state agency with respect to employees of that agency for the state, the common council in cities, the village board in villages, the town board in towns, the county board in counties, the school board in school districts, or the board, commission, or other governing body having the final authority for any other unit of government, for any agency or instrumentality of 2 or more units of government, for any federated public library system established under s. 43.19 whose territory lies within a single county with a population of 500,000 or more, for a local exposition district created under subch. II of ch. 229, for a charter school under contract with a school board or with an entity specified in s. 118.40 (2r) (b) 1., or for a long-term care district created under s. 46.2895, but does not include a local cultural arts district created under subch. V of ch. 229.

**SECTION 9.** 40.05 (2) (f) 9. of the statutes is created to read:

**40.05 (2) (f) 9.** If the participating employer was a charter school under contract with a school board or with an entity specified in s. 118.40 (2r) (b) 1., and there is no successor employer to assume any outstanding obligations under the terms of this paragraph, the outstanding obligation shall be the responsibility of the school board or entity that contracted for the establishment of the charter school.

**SECTION 10.** 111.81 (7) (f) of the statutes is amended to read:

**111.81 (7) (f)** Instructional staff employed by the board of regents of the University of Wisconsin System who provide services for a charter school established by contract under s. 118.40 (2r) (cm), 2011 stats.

**SECTION 11.** 111.815 (1) of the statutes is amended to read:

**BILL****SECTION 11**

111.815 (1) In the furtherance of this subchapter, the state shall be considered as a single employer and employment relations policies and practices throughout the state service shall be as consistent as practicable. The office shall negotiate and administer collective bargaining agreements. To coordinate the employer position in the negotiation of agreements, the office shall maintain close liaison with the legislature relative to the negotiation of agreements and the fiscal ramifications of those agreements. Except with respect to the collective bargaining unit specified in s. 111.825 (1r), and (1t), the office is responsible for the employer functions of the executive branch under this subchapter, and shall coordinate its collective bargaining activities with operating state agencies on matters of agency concern. The legislative branch shall act upon those portions of tentative agreements negotiated by the office that require legislative action. With respect to the collective bargaining units specified in s. 111.825 (1r), the Board of Regents of the University of Wisconsin System is responsible for the employer functions under this subchapter. With respect to the collective bargaining units specified in s. 111.825 (1t), the chancellor of the University of Wisconsin-Madison is responsible for the employer functions under this subchapter. With respect to the collective bargaining unit specified in s. 111.825 (1r) (ef), the governing board of the charter school established by contract under s. 118.40 (2r) (cm), 2011 stats., is responsible for the employer functions under this subchapter.

**SECTION 12.** 111.825 (1r) (ef) of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

111.825 (1r) (ef) Instructional staff employed by the board of regents of the University of Wisconsin System who provide services for a charter school established by contract under s. 118.40 (2r) (cm), 2011 stats.

INS A BILL

1 SECTION 13. 111.92 (1) (c) of the statutes is amended to read:

2 111.92 (1) (c) Any tentative agreement reached between the governing board  
3 of the charter school established by contract under s. 118.40 (2r) (cm), 2011 stats.,  
4 acting for the state, and any labor organization representing a collective bargaining  
5 unit specified in s. 111.825 (1r) (ef) shall, after official ratification by the labor  
6 organization and approval by the chancellor of the University of  
7 Wisconsin-Parkside, be executed by the parties.

8 SECTION 14. 115.001 (1) of the statutes is amended to read:

9 115.001 (1) CHARTER SCHOOL. "Charter school" means a school under contract  
10 with a school board under s. 118.40 or with ~~one of the entities~~ <sup>an entity</sup> under s. 118.40 (2r) (b)  
11 or a school established and operated by one of the entities under s. 118.40 (2r) (b). <sup>plain</sup> <sup>1. a. to d.</sup>

12 SECTION 15. 115.001 (16) of the statutes is amended to read: <sup>plain</sup>

13 115.001 (16) VIRTUAL CHARTER SCHOOL. "Virtual charter school" means a charter  
14 school under contract with a school board or board of control of a cooperative  
15 educational service agency under s. 118.40 in which all or a portion of the instruction  
16 is provided through means of the Internet, and the pupils enrolled in and  
17 instructional staff employed by the school are geographically remote from each other.

18 SECTION 16. 118.19 (15) of the statutes is created to read:

19 118.19 (15) The department shall promulgate rules establishing a charter  
20 school teaching license that allows the licensee to teach multiple subjects in a charter  
21 school. The rules shall require the applicant to demonstrate competence in each  
22 subject that he or she wishes to teach and shall provide the applicant several means  
23 of doing so.

24 SECTION 17. 118.395 of the statutes is created to read:

## BILL

## SECTION 17

*oversight*  
1 **118.395 Charter school authorizing board; executive director, staff. (1)**

2 The charter school authorizing board shall appoint an executive director outside the  
3 classified service. The executive director shall coordinate the activities of the board  
4 and exercise such further powers, functions, and duties as the board prescribes.

5 (2) The executive director of the charter school authorizing board may employ  
6 4 professional staff members outside the classified service. Subject to authorization  
7 under s. 16.505, the executive director may employ additional professional staff  
8 members outside the classified service.

9 **SECTION 18.** 118.40 (2) (b) (intro.) of the statutes is renumbered 118.40 (2) (b)  
10 and amended to read:

11 118.40 (2) (b) A school board may grant a petition that would result in the  
12 conversion of all of the public schools in the school district to charter schools if all of  
13 the following apply:

14 **SECTION 19.** 118.40 (2) (b) 1. and 2. of the statutes are repealed.

15 **SECTION 20.** 118.40 (2m) (b) of the statutes is amended to read:

16 118.40 (2m) (b) A school board may not enter into a contract under par. (a) that  
17 would result in the conversion of all of the public schools in the school district to  
18 charter schools unless the school board complies with sub. (2) (b) 2.

19 **SECTION 21.** 118.40 (2r) (b) 1. (intro.) of the statutes is amended to read:

20 118.40 (2r) (b) 1. (intro.) All Except as provided in subd. 4, any of the following  
21 entities may establish by charter and operate a charter school or, on behalf of their  
22 respective entities, may initiate a contract with an individual or group a person to operate a  
23 school as a charter school:

24 **SECTION 22.** 118.40 (2r) (b) 1. e. and f. of the statutes are created to read:

INS A

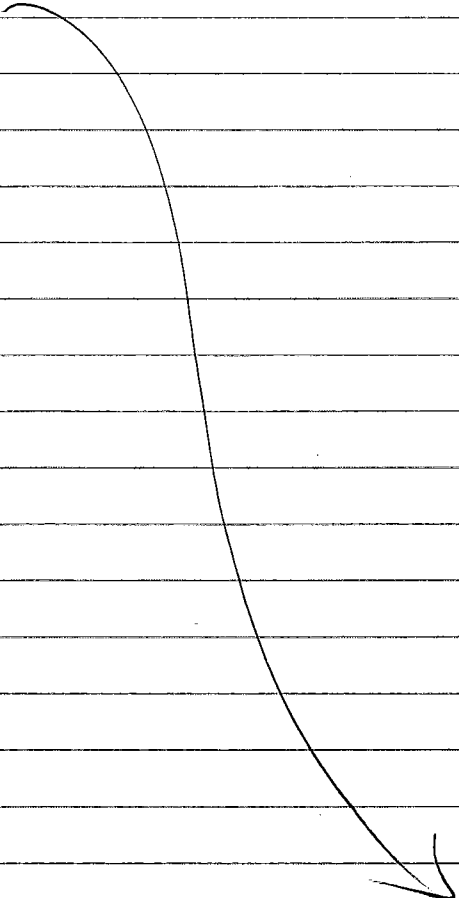
Section #. 111.825 (2) (f) of the statutes is amended to read:

111.825 (2) (f) Instructional staff employed by the board of regents of the University of Wisconsin System who provide services for a charter school established by contract under s. 118.40

(2r) (cm) <sup>2011 stats</sup>

History: 1985 a. 29; 1985 a. 42 ss. 4 to 6, 8, 18; 1985 a. 332; 1987 a. 331; 1989 a. 31; 1995 a. 27, 251, 324; 1997 a. 24; 2001 a. 16; 2005 a. 253; 2009 a. 28; 2011 a. 10, 32; s. 13.92 (2) (i).

118.40 (2v) (b) i.e. Any nonprofit, nonsectarian  
organization or consortium of such organizations  
approved by the charter  
school oversight board under par. (bm).



Section #. 118.40 (2r) (b) 2. of the statutes is renumbered 118.40(2r)(b)2.(intro.) and amended to read:

<sup>(intro.)</sup>  
118.40 (2r) (b) 2. <sup>x</sup> A charter shall include all of the provisions specified under sub. (1m) (b) 3. to 14. A contract shall include all of the provisions specified under sub. (1m) (b) 1. to 14. and shall specify the effect of the establishment of the charter school on the liability of the contracting entity under this paragraph. The contract may include other provisions agreed to by the parties. ~~The chancellor of the University of Wisconsin-Milwaukee or of the University of Wisconsin-Parkside may not establish or enter into a contract for the establishment of a charter school under this paragraph without the approval of the board of regents of the University of Wisconsin System.~~

History: 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (1); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 105; 2003 a. 33, 156; 2005 a. 25, 111, 346; 2007 a. 222; 2009 a. 28, 61, 276; 2011 a. 10, 32, 105.

~~shall~~ <sup>also</sup> include all of the following provisions and

SEC. <sup>✓</sup> (B) # CR; 118.40 (2r) (b) 2. a. to c.

118.40 (2r) (b) 2. a. A requirement that the charter school operator adhere to specified performance standards and

1. The consequences of failing to do so.

b. A provision allowing the operator of a charter school that receives a rating of "exceeds expectations" or

"significantly exceeds expectations" in the most recent school report published by the

department under s. 115.385 to contract with the entity to open additional charter schools with

\*\*\* NOTE: Section 115.385 is  
2013 ✓  
created in LRB-1158.

~~\*\*\*\*~~ NOTE: The instructions <sup>would</sup> allow  
 the operator "to replicate schools without) (1)  
 (1) additional administrative burden. " I  
 wasn't sure what that meant, so I did  
 not include it.

c. A requirement that the  
 charter school operator report to the  
 entity with which it contracts whenever the  
 entity intends to transfer 20 percent or  
 more of the pupils attending a charter school  
 to another school or schools.

~~\*\*\*\*~~ NOTE: In what circumstances,  
 may a charter school "transfer" pupils to another  
 school? I don't think current law or  
 this draft authorizes a charter school to  
 do so.

SEC. # RC. 118.40<sup>x</sup> (2r) (b) 3.

118.40 (2r) (b) 3. ~~Notwithstanding subd. 1. (contract)~~

If an entity specified in  
p. subd. 1. a. to d. is  
itself operating a charter

school on the effective date of this

subdivision... [LRB inserts date], it may

continue to do so.

SEC. # RC. 118.40 (2r) (b) 4.

~~##~~

SEC. # RC, 118.40(2r)(bm)

118.40(2r)(bm) 1. A nonprofit, nonsectarian organization or a consortium of such organizations that wishes to contract with a person

or group to operate a charter school shall submit an application to the charter school

oversight board. The application shall include all of the following and any other information requested by the board:

~~The board shall approve or deny an application within 90 days of receiving the application.~~

~~2. Except as provided in subcl. 2., an entity under par. (b) 1. may contract for the operation of a charter school located anywhere in this state. An entity may not contract with a person to operate a charter school if any school operated by that person has a~~

- a. A plan to protect the autonomy of the charter schools under contract with the organization or consortium.
- b. A plan to improve or close any charter school under contract with the organization or <sup>contractual</sup> consortium, based on performance standards.
- c. A plan for <sup>the</sup> provide a presumptive approval of contracts with successful charter school operators.
- d. A description of the types of charter schools the organization or consortium is seeking to establish, and their <sup>potential</sup> attendance areas.
- e. The <sup>charter school</sup> accountability provisions that

the organization or consortium intends  
to include in its contracts with  
operators.

\*\*\* NOTE: I ~~don't understand~~ the  
meaning of ~~several~~ par. a. or b. What is  
meant by "protecting the autonomy of charter  
schools" in <sup>subd. 1.</sup> par. a.? In <sup>subd. 1.</sup> par. c., what is  
meant by "presumptive approval"?

2. The charter school oversight board  
shall approve or deny an application within  
90 days of receiving the application.

SEC. # RC; 118.40 (21) (c)

118.40 (21) (c) 1. An entity under par. (b) 1. may contract for the operation of a charter school located anywhere in this state.

2. An entity under par. (b) 1. may <sup>not</sup> contract with a person to operate a charter school if any school operated by that person has a rating of "fails to meet expectations" or "meets few expectations" in the most recent school report published by the department under s. 115.385, or for 7 years after a school operated by that person had a contract nonrenewed by an entity under par. (b) 1. or was closed due to poor performance.

~~\*\*\* NOTE: Section 115.385 is  
created in LRB - 1158.~~

~~\*\*\* NOTE: 2. What is meant by  
"closed due to poor performance"?~~

3. An entity under par. (b) 1.  
may refuse to renew a contract with  
a charter school operator if the  
school ~~are~~ under contract consistently  
receives <sup>the</sup> ratings specified in subd. 2.

SEC. # RP; 118.40 (2r) (cm)

~~118.40 (2r) (c) If either of the following apply, the school board of a school district in which a pupil~~  
~~It a pupil resides in a school district in which either of the~~

SEC. # CR; 118.40 (2r) (cr)

118.40 (2r) (cr) If a pupil may not attend

a charter school established under this subsection

that is located outside the school district in which

the pupil resides if <sup>any</sup> either of the following apply and the school board of the <sup>pupil's</sup> school

district of residence objects:

1. The number of pupils enrolled in the school district is ~~fewer~~ <sup>less</sup> than 4,000.

2. In the most recent school report published by the department under s. 115.385, the average rating achieved by schools in the school district is "exceeds expectations" or "significantly exceeds expectations."

~~XXXX~~ NOTE: I'm not sure how ~~the~~ "average rating" is computed. Is the number of pupils attending a school a factor in the computation?

11/11/11 by [unclear]

11/11/11 by [unclear]

## BILL

1 ~~118.40 (2r) (b) 1. e. The board of control of a cooperative educational service~~  
2 ~~agency.~~

3 ~~f. The charter school authorizing board.~~

4 SECTION 23. 118.40 (2r) (b) 2. of the statutes is amended to read:

5 118.40 (2r) (b) 2. A charter shall include all of the provisions specified under  
6 sub. (1m) (b) 3. to 14. A contract shall include all of the provisions specified under  
7 sub. (1m) (b) 1. to 14. and shall specify the effect of the establishment of the charter  
8 school on the liability of the contracting entity under this paragraph. The contract  
9 may include other provisions agreed to by the parties. The chancellor of the  
10 University of Wisconsin-Milwaukee or of the University of Wisconsin-Parkside may  
11 not establish or enter into a contract for the establishment of a charter school under  
12 this paragraph without the approval of the board of regents of the University of  
13 Wisconsin System.

14 SECTION 24. 118.40 (2r) (b) 3. (intro.) of the statutes is amended to read:

15 118.40 (2r) (b) 3. (intro.) If the chancellor of the University of  
16 Wisconsin-Parkside contracts for the establishment of a charter school, the contract  
17 shall also provide that the charter school must be operated by a governing board and  
18 that the chancellor or his or her designee must be a member of the governing board.  
19 In addition, if and the contract provides that the instructional staff of the charter  
20 school shall consist of employees of the board of regents of the University of  
21 Wisconsin System, the contract shall also include provisions that do all of the  
22 following:

23 SECTION 25. 118.40 (2r) (b) 4. of the statutes is repealed and recreated to read:

## BILL

## SECTION 25

1 118.40 (2r) (b) 4. a. The charter school authorizing board may contract only  
2 with the governing board of a nonprofit corporation for the operation of a charter  
3 school.

4 b. No entity under subd. 1. other than the board of control of a cooperative  
5 educational service agency may contract for the operation of a virtual charter school.

6 SECTION 26. 118.40 (2r) (bm) of the statutes is amended to read:

7 118.40 (2r) (bm) The common council of the city of Milwaukee, the chancellor  
8 of the University of Wisconsin-Milwaukee, and the Milwaukee area technical college  
9 district board may only establish or enter into a contract for the establishment of a  
10 charter school only if it is located in the school district operating under ch. 119. The  
11 chancellor of the University of Wisconsin-Parkside may only establish or enter into  
12 a contract for the establishment of a charter school only if it is located in a unified  
13 school district that is located in the county in which the University of  
14 Wisconsin-Parkside is situated or in an adjacent county. No contract with the  
15 charter school authorizing board may authorize the governing body of a nonprofit  
16 corporation to establish a charter school in a school district with a membership, as  
17 defined in s. 121.004 (5), of less than 2,000, except that if the membership of a school  
18 district declines below 2,000 after such a charter school is established in the school  
19 district under a contract with the charter school authorizing board, the governing  
20 body of the nonprofit corporation may continue to operate the charter school and the  
21 restriction does not apply to the establishment of additional charter schools in the  
22 school district by the same nonprofit corporation.

23 SECTION 27. 118.40 (2r) (c) and (em) of the statutes <sup>is</sup> repealed.

24 SECTION 28. 118.40 (2r) (d) (intro.) of the statutes is amended to read:

**BILL**

1       118.40 (2r) (d) (intro.) The chartering or contracting entity under par. (b) shall  
2       do all of the following:

3       **SECTION 29.** 118.40 (2r) (e) 4. of the statutes is amended to read:

4       118.40 (2r) (e) 4. If the chancellor of the University of Wisconsin-Parkside  
5       establishes or contracts for the establishment of a charter school under this  
6       subsection, in March the department shall pay to the unified school district in which  
7       the charter school is located, from the appropriation under s. 20.255 (2) (fm), an  
8       amount equal to the amount of school aid per pupil to which the unified school district  
9       is eligible in the current school year multiplied by the number of pupils attending the  
10      charter school who were previously enrolled in the unified school district, except that  
11      the payment may not exceed \$1,000,000 in the 2011-12 school year and may not  
12      exceed \$750,000 in the 2012-13 school year. No aid may be paid under this  
13      subdivision after the 2012-13 school year.

14      ~~**SECTION 30.** 118.40 (2r) (g) of the statutes is created to read:~~

15      ~~118.40 (2r) (g) If a school board leases a building to the governing body of a~~  
16      ~~charter school, the lease may not include a provision specifying that the lease~~  
17      ~~terminates if the lessee enters into a contract with an entity under par. (b) to operate~~  
18      ~~a charter school.~~

19      **SECTION 31.** 118.40 (2r) (h) of the statutes is created to read:

20      118.40 (2r) (h) 1. Except as provided in sub. (2s), if the governing board of a  
21      nonprofit corporation wishes to contract with the charter school authorizing board  
22      to operate a charter school, by July 1 it shall submit an application concurrently to  
23      the charter school authorizing board and the school board of the school district in  
24      which the corporation wishes to locate the charter school.

**BILL****SECTION 31**

1     2. By October 1, the school board receiving the application under subd. 1. shall  
2     either enter into a contract with the governing board of the nonprofit corporation to  
3     operate a charter school under sub. (2m) or refer the application to the charter school  
4     authorizing board unless the school board and governing board of the nonprofit  
5     corporation jointly request the charter school authorizing board for an additional 30  
6     days.

7     3. The charter school authorizing board shall review an application referred to  
8     it under subd. 2. by February 1 and shall either enter into a contract with the  
9     governing board of the nonprofit corporation to operate a charter school or deny the  
10    application.

11    **SECTION 32.** 118.40 (2r) (i) of the statutes is created to read:

12    118.40 (2r) (i) The charter school authorizing board may have in effect up to  
13    the following number of contracts with the governing boards of nonprofit  
14    corporations for the operation of charter schools in the following school years:

- 15       1. In the 2014-15 school year, 5.
- 16       2. In the 2015-16 school year, 10.
- 17       3. In the 2016-17 school year, 15.
- 18       4. In the 2017-18 school year, 20.
- 19       5. In the 2018-19 school year, 25.
- 20       6. In the 2019-20 school year or any school year thereafter, any number.

21    **SECTION 33.** 118.40 (2r) (j) of the statutes is created to read:

22    118.40 (2r) (j) A charter school established under this subsection is a local  
23    educational agency under 20 USC 6301 to 6578 and as such is eligible for funding as  
24    a local educational agency, and shall comply with all requirements of local  
25    educational agencies, under 20 USC 6301 to 6578.

**BILL**

1       **SECTION 34.** 118.40 (2s) of the statutes is created to read:

2       118.40 **(2s)** (a) The governing board of a nonprofit corporation that has  
3       established one or more charter schools under a contract with a school board or entity  
4       under sub. (2r) may contract with the charter school authorizing board under sub.  
5       (2r) to operate a charter school without following the requirements in sub. (2r) (h) if  
6       the governing board provides the charter school authorizing board with all of the  
7       following information:

- 8           1. A timeline for the opening of the proposed charter school.
- 9           2. The location of the proposed charter school.
- 10          3. A description of the proposed charter school's facilities.
- 11          4. The maximum number of pupils who may be safely accommodated at the  
12       proposed charter school.

13       (b) The charter school authorizing board shall contract with the governing  
14       board of the nonprofit corporation under sub. (2r) to operate the proposed charter  
15       school if it determines that all of the following apply:

- 16           1. The proposed charter school will be located in a school district in which the  
17       nonprofit corporation has established one or more charter schools under a contract  
18       with a school board or entity under sub. (2r).

19           2. The school district specified in subd. 1. has a graduation rate that is lower  
20       than 75 percent, excluding the pupils attending charter schools located in the school  
21       district.

22           3. If the school district specified in subd. 1. is one in which fewer than 50 percent  
23       of the pupils, excluding pupils attending charter schools located in the school district,  
24       are eligible for a free or reduced-price lunch under 42 USC 1758 (b), in the 3 previous  
25       school years an average of at least 90 percent of the pupils attending charter schools

**BILL****SECTION 34**

1 operated by the governing board of the nonprofit corporation in that school district  
2 scored at the proficient or advanced level in the reading and mathematics portions  
3 of the examinations administered under s. 118.30.

4 4. If the school district specified in subd. 1. is one in which at least 50 percent  
5 of the pupils, excluding pupils attending charter schools located in the school district,  
6 are eligible for a free or reduced-price lunch under 42 USC 1758 (b), in the 3 previous  
7 school years an average of at least 75 percent of the pupils attending charter schools  
8 operated by the governing board of the nonprofit corporation in that school district  
9 scored at the proficient or advanced level in the reading and mathematics portions  
10 of the examinations administered under s. 118.30.

11 **SECTION 35.** 118.40 (2t) of the statutes is created to read:

12 118.40 (2t) STATE AID REDUCTION. (a) Annually, the department shall  
13 determine, for each school district, the number of resident pupils attending a charter  
14 school under contract with the charter school authorizing board or the board of  
15 control of a cooperative educational service agency under sub. (2r).

16 (b) The department shall reduce each school district's state aid payment under  
17 s. 121.08 by an amount equal to the number of pupils determined under par. (a)  
18 multiplied by the amount paid per pupil under sub. (2r) (e) 1m. to 3m. If the state  
19 aid payment under s. 121.08 is insufficient to cover the reduction, the department  
20 shall reduce other state aid payments made by the department to the school district  
21 by the remaining amount.

22 (c) If a pupil attends a charter school as described under par. (a) for less than  
23 a full school term, the department shall prorate the state aid reduction under par.  
24 (b) based on the number of days that school is in session and the pupil attends the  
25 charter school.

**BILL**

1 (d) The department shall ensure that the aid reduction under par. (b) does not  
2 affect the amount determined to be received by a school district as state aid under  
3 s. 121.08 for any other purpose.

4 **SECTION 36.** 118.40 (3) (d) of the statutes is renumbered 118.40 (3m) (c) and  
5 amended to read:

6 118.40 (3m) (c) ~~A school board or an entity under sub. (2r) (b) shall give~~ Give  
7 preference in awarding contracts for the operation of charter schools to those charter  
8 schools that serve children at risk, as defined in s. 118.153 (1) (a).

9 **SECTION 37.** 118.40 (3) (e) of the statutes is renumbered 118.40 (3m) (b) and  
10 amended to read:

11 118.40 (3m) (b) ~~When establishing or~~ <sup>plain</sup> When contracting for the establishment  
12 of a charter school under this section, ~~a school board or entity specified under sub.~~  
13 ~~(2r) (b) shall consider~~ adhere to the principles and standards for quality charter  
14 schools established by the National Association of Charter School Authorizers.

15 **SECTION 38.** 118.40 (3) (f) of the statutes is created to read:

16 118.40 (3) (f) A contract with a school board or an entity under sub. (2r) (b) may  
17 provide for the establishment of more than one charter school, and a charter school  
18 governing board may enter into more than one contract with a school board or entity  
19 under sub. (2r) (b).

20 **SECTION 39.** 118.40 (3) (g) of the statutes is created to read:

21 118.40 (3) (g) 1. Except as provided in subds. 2. and 3. and sub. (4) (ar) 1., a  
22 contract with a school board or an entity under sub. (2r) (b) shall require that if the  
23 capacity of the charter school is insufficient to accept all pupils who apply, the charter  
24 school shall accept pupils at random.

## BILL

## SECTION 39

2. A charter school shall give preference in enrollment to pupils who were enrolled in the charter school in the previous school year and to siblings of pupils who are enrolled in the charter school.

3. A charter school may give preference in enrollment to the children of the charter school's founders, governing board members, and full-time employees, but the total number of such children given preference may constitute no more than 10 percent of the charter school's total enrollment.

**SECTION 40.** 118.40 (3m) (intro.) of the statutes is created to read:

**118.40 (3m) CHARTER SCHOOL AUTHORIZER DUTIES.** (intro.) A school board or entity under sub. (2r) (b) shall do all of the following:

**SECTION 41.** 118.40 (3m) (a) and (d) to (f) of the statutes are created to read:

**118.40 (3m) (a)** Solicit and evaluate charter school applications.

**(d)** Approve only high-quality charter school applications that meet identified educational needs and promote a diversity of educational choices.

**(e)** In accordance with the terms of each charter school contract, monitor the performance and compliance with this section of each charter school with which it contracts.

**(f)** Annually, submit to the state superintendent and to the legislature under s. 13.172 (2) a report that includes all of the following:

1. An identification of each charter school operating under contract with it, each charter school that operated under a contract with it but had its contract nonrenewed or revoked or that closed, and each charter school under contract with it that has not yet begun to operate.

2. The academic and financial performance of each charter school operated under contract with it.

## BILL

1           3. The operating costs of the school board or entity under sub. (2r) (b) incurred  
2   under pars. (a) to (e), detailed in an audited financial statement prepared in  
3   accordance with generally accepted accounting principles.

4           4. The services the school board or entity under sub. (2r) (b) has provided to the  
5   charter schools under contract with it and an itemized accounting of the cost of the  
6   services.

7           **SECTION 42.** 118.40 (4) (title) of the statutes is amended to read:

8           118.40 (4) (title) CHARTER SCHOOL GOVERNING BOARD; DUTIES, POWERS, AND  
9   RESTRICTIONS.

10          **SECTION 43.** 118.40 (4) (a) of the statutes is renumbered 118.40 (4) (ar), and  
11   118.40 (4) (ar) (intro.), as renumbered, is amended to read:

12          118.40 (4) (ar) *Duties.* (intro.) A charter school governing board shall do all of  
13   the following:

14          **SECTION 44.** 118.40 (4) (ag) of the statutes is created to read:

15          118.40 (4) (ag) *Governing board.* Each charter school shall be governed by a  
16   governing board that is a party to the contract with the authorizing entity. No more  
17   than a minority of the governing board's members may be staff of the charter school  
18   or of the school district in which the charter school is located.

19          **SECTION 45.** 118.40 (4) (ar) 3. of the statutes is created to read:

20          118.40 (4) (ar) 3. If the governing board is <sup>sub.</sup> under contract with ~~the charter~~  
21   ~~school authorizing board~~ <sup>an entity under (2r) (b)</sup>, annually pay to the board a fee equal to the amount  
22   determined by multiplying the operational costs of all charter schools that it  
23   operated under <sup>the</sup> contract ~~with the board~~ in the previous school year by 0.02. In order  
24   to determine the fee payable in the first school year of operation, the ~~charter school~~  
25   governing board shall estimate its total operational costs in that school year.

charter school oversight

## BILL

## SECTION 46

1           **SECTION 46.** 118.40 (4) (b) 2. of the statutes is amended to read:

2           118.40 (4) (b) 2. Except as provided in ~~par. (e) sub. (3) (h)~~, discriminate in  
3 admission or deny participation in any program or activity on the basis of a person's  
4 sex, race, religion, national origin, ancestry, pregnancy, marital or parental status,  
5 sexual orientation or physical, mental, emotional or learning disability.

6           **SECTION 47.** 118.40 (4) (c) of the statutes is renumbered 118.40 (3) (h) and  
7 amended to read:

8           118.40 (3) (h) ~~Single-sex schools and courses.~~ A school board ~~may enter into~~  
9 a contract for, and an entity under sub. (2r) may ~~establish or enter into a contract~~  
10 ~~for, the establishment of~~ <sup>establish</sup> a charter school that enrolls only one sex or that provides  
11 one or more courses that enroll only one sex if the school board or entity under sub.  
12 (2r) makes available to the opposite sex, under the same policies and criteria of  
13 admission, schools or courses that are comparable to each such school or course.

14           **SECTION 48.** 118.40 (4) (d) of the statutes is created to read:

15           118.40 (4) (d) *Powers.* Subject to the terms of its contract, a charter school  
16 governing board has all the powers necessary to carry out the terms of its contract,  
17 including the following:

- 18           1. To receive and disburse funds for school purposes.
- 19           2. To secure appropriate insurance.
- 20           3. To enter into contracts, including contracts with a University of Wisconsin  
21 institution or college campus, technical college district board, or private college or  
22 university, for technical or financial assistance, academic support, curriculum  
23 review, or other services.
- 24           4. To incur debt in reasonable anticipation of the receipt of funds.

**BILL**

1           5. To pledge, assign, or encumber its assets to be used as collateral for loans or  
2 extensions of credit.

3           6. To solicit and accept gifts or grants for school purposes.

4           7. To acquire real property for its use.

5           8. To sue and be sued in its own name.

6           **SECTION 49.** 118.40 (6) of the statutes is amended to read:

7           118.40 (6) PROGRAM VOLUNTARY. No Unless all of the public schools in a school  
8 district have been converted to charter schools under sub. (2) (b) or (2m) (b), no pupil  
9 may be required to attend a charter school without his or her approval, if the pupil  
10 is an adult, or the approval of his or her parents parent or legal guardian, if the pupil  
11 is a minor.

12           **SECTION 50.** 118.40 (7) (am) 1. of the statutes is amended to read:

13           118.40 (7) (am) 1. Except as provided in ~~subds.~~ subd. 2. and 3., if a charter  
14 school is established under sub. (2m) and located in the school district operating  
15 under ch. 119, the school board of that school district shall determine whether or not  
16 the charter school is an instrumentality of the school district. If the school board  
17 determines that a charter school is an instrumentality of the school district, the  
18 school board shall employ all personnel for the charter school. If the school board  
19 determines that a charter school is not an instrumentality of the school district, the  
20 school board may not employ any personnel for the charter school.

21           **SECTION 51.** 118.40 (7) (am) 3. of the statutes is repealed.

22           **SECTION 52.** 118.40 (7) (c) of the statutes is created to read:

23           118.40 (7) (c) ~~For the purpose of eligibility for participation in the Wisconsin~~  
24 ~~Retirement System, a charter school is considered a public entity that is carrying out~~  
25 ~~a governmental purpose.~~

## BILL

## SECTION 53

1 **SECTION 53.** 118.40 (8) (a) (intro.) of the statutes is amended to read:

2 118.40 (8) (a) *Location.* (intro.) For the purposes of sub. (7) (a), (am), and (ar),  
3 a virtual charter school under contract with one or more school boards is considered  
4 to be located in the following school district:

5 **SECTION 54.** 118.40 (8) (f) 1. of the statutes is amended to read:

6 118.40 (8) (f) 1. The members of the school board governing body of the entity  
7 that contracted for the establishment of the virtual charter school and the  
8 administrators of that school district entity.

9 **SECTION 55.** 118.40 (8) (g) 2. of the statutes is amended to read:

10 118.40 (8) (g) 2. Subject to subd. 2m., the ~~third~~ 3rd time in the same semester  
11 that a pupil attending a virtual charter school fails to respond appropriately to a  
12 school assignment or directive from instructional staff within 5 school days, the  
13 governing body of the virtual charter school shall also notify the ~~school board~~  
14 governing body of the entity that contracted for the establishment of the virtual  
15 charter school, the school board of the pupil's resident school district, and the  
16 department. The ~~school board governing body of the entity~~ that contracted for the  
17 establishment of the virtual charter school may transfer the pupil to his or her  
18 resident school district. If the pupil is a resident of the school district that contracted  
19 for the establishment of the virtual charter school, the school board may assign the  
20 pupil to another school or program within that school district. If the ~~school board~~  
21 governing body transfers or the school board assigns a pupil, it shall notify the pupil's  
22 parent or guardian and the department.

23 **SECTION 56.** 118.40 (8) (g) 3. of the statutes is amended to read:

24 118.40 (8) (g) 3. The parent or guardian of a pupil transferred to the pupil's  
25 resident school district under subd. 2. may appeal the transfer to the department

**BILL**

1 within 30 days after receipt of the notice of transfer. The department shall affirm  
2 the school board's governing body's decision unless the department finds that the  
3 decision was arbitrary or unreasonable.

4 **SECTION 57.** 118.51 (1) (a) of the statutes is renumbered 118.51 (1) (ar).

5 **SECTION 58.** 118.51 (1) (ag) of the statutes is created to read:

6 118.51 (1) (ag) "Charter school" excludes a school under contract with an entity  
7 under s. 118.40 (2r) (b).

8 **SECTION 59.** 119.60 (6) of the statutes is created to read:

9 119.60 (6) Annually by August 1 the common council shall report to the  
10 department, the charter school authorizing board, and the legislature under s.  
11 13.172 (2) all of the following:

12 (a) All instances in the previous school year in which a person expressed  
13 interest in purchasing or leasing any city-owned property used for school purposes  
14 to a city official or employee. If the property was not sold or leased, the report shall  
15 indicate the reason.

16 (b) All sales of city-owned property used for school purposes that occurred in  
17 the previous school year and all leases of such property that were entered into in the  
18 previous school year.

19 **SECTION 60.** 121.02 (1) (a) 2. of the statutes is amended to read:

20 121.02 (1) (a) 2. Subject Except as provided in s. 118.40 (2r) (d) 1. and subject  
21 to s. 118.40 (8) (b) 2., ensure that all instructional staff of charter schools located in  
22 the school district hold a license or permit to teach issued by the department. For  
23 purposes of this subdivision, a virtual charter school under contract with one or more  
24 school boards is located in the school district specified in s. 118.40 (8) (a) and a charter  
25 school established under s. 118.40 (3) (c) 1. c. is located in the school district specified

## BILL

## SECTION 60

1 in s. 118.40 (3) (c) 1. c. The state superintendent shall promulgate rules defining  
2 "instructional staff" for purposes of this subdivision.

3 ~~SECTION 61. 121.05 (1) (a) 9. of the statutes is amended to read:~~

4 ~~121.05 (1) (a) 9. Pupils residing in the school district who are enrolled in a  
5 charter school, other than a charter school under s. 118.40 (2r) under contract with  
6 the school board, the charter school authorizing board, or the board of control of a  
7 cooperative educational service agency.~~

*or an entity under  
s. 118.40 (2r) (b) 1.*

8 ~~SECTION 62. 121.08 (4) (a) 1. of the statutes is amended to read:~~

9 ~~121.08 (4) (a) 1. Add the amounts paid under s. 118.40 (2r) in the current school  
10 year and subtract from that sum the sum of the reductions under s. 118.40 (2t).~~

11 ~~SECTION 63. 121.08 (4) (a) 2. of the statutes is amended to read:~~

12 ~~121.08 (4) (a) 2. Divide the sum result under subd. 1. by the total amount of  
13 state aid that all school districts are eligible to be paid from the appropriation under  
14 s. 20.255 (2) (ac), calculated as if the reduction under par. (b) or (br) had not occurred.~~

15 ~~SECTION 64. 230.08 (2) (wc) of the statutes is created to read:~~

16 ~~230.08 (2) (wc) Professional staff members of the charter school authorizing  
17 board authorized under s. 118.395 (2).~~

*oversight*

18 ~~SECTION 65. 230.35 (1s) of the statutes is amended to read:~~

19 ~~230.35 (1s) Annual leave of absence with pay for instructional staff employed  
20 by the board of regents of the University of Wisconsin System who provide services  
21 for a charter school established by contract under s. 118.40 (2r) (cm), 2011 stats.,  
22 shall be determined by the governing board of the charter school established by  
23 contract under s. 118.40 (2r) (cm), 2011 stats., as approved by the chancellor of the  
24 University of Wisconsin-Parkside.~~

25 ~~Section 66. Nonstatutory provisions.~~

*INS 24-25*

Ins 2425

Nonstat File Sequence: **AAA**

LRB \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

## NONSTAT SESSLAW

1. In the component bar:

For the action phrase, execute: ..... create → action: → \*NS: → nonstat

For the budget action phrase, execute: ..... create → action: → \*NS: → 91XX

For a subsection, execute: ..... create → text: → \*NS: → sub

For a paragraph, execute: ..... create → text: → \*NS: → par

For a subdivision, execute: ..... create → text: → \*NS: → subd

For a subdivision paragraph, execute: ..... create → text: → \*NS: → subpar

2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9100 department code.

SECTION # 91 3 4]. Nonstatutory provisions; ...

Department of public instruction

( #1 ) ( ) CHARTER SCHOOL OVERSIGHT BOARD (CS)

**BILL**

oversight

(1) Notwithstanding section 15.56 (1) of the statutes, as created by this act, of the initial members appointed to the charter school authorizing board under section 15.56 (1) (a) of the statutes, as created by this act, one member shall be appointed for a term expiring on May 1, 2016, and one member shall be appointed for a term expiring on May 1, 2017; of the initial members appointed under section 15.56 (1) (b) of the statutes, as created by this act, the member appointed under section 15.56 (1) (b) 1. of the statutes, as created by this act, shall be appointed for a term expiring on May 1, 2015, the member appointed under section 15.56 (1) (b) 2. of the statutes, as created by this act, shall be appointed for a term expiring on May 1, 2016, the member appointed under section 15.56 (1) (b) 3. of the statutes, as created by this act, shall be appointed for a term expiring on May 1, 2017, and the member appointed under section 15.56 (1) (b) 4. of the statutes, as created by this act, shall be appointed for a term expiring on May 1, 2018.

**~~Section 67. Initial applicability.~~**

(1) CHARTER SCHOOL CONTRACTS. The treatment of sections 118.40 (2r) (b) 2. (3) (e) and (g), (4) (ag) and (d), and (7) (am) 3. of the statutes first applies to a contract for the establishment of a charter school that is entered into, renewed, or modified on the effective date of this subsection.

(2) SCHOOL LEASES. The treatment of section 118.40 (2r) (g) of the statutes first applies to a lease entered into, renewed, or modified on the effective date of this subsection.

**SECTION 68. Effective date.**

(1) This act takes effect on July 1, 2013, or on the day after publication, whichever is later.

(END)

25-79

Nonstat File Sequence:

EEE

LRB \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

## INITIAL APPLICABILITY

1. In the component bar:  
For the action phrase, execute: ..... create → action: → \*NS: → inappl  
For the budget action phrase, execute: ..... create → action: → \*NS: → 93XX  
For the text, execute: ..... create → text: → \*NS: → inappl
2. Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9300 department code.

SECTION # 93 3 4. Initial applicability; .....

department of public instruction

( #1 ) ( ) .....

The treatment of sections ..

of the statutes

first applies to .....

1. In the component bar:  
For the action phrase, execute: ..... create → action: → \*NS: → inappl  
For the text, execute: ..... create → text: → \*NS: → inapplA
2. Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed.

SECTION # \_\_\_\_\_ . Initial applicability; .....

( #1 ) ( ) ..... This act first

applies to .....

## Grant, Peter

**From:** Hynek, Sara - DOA <Sara.Hynek@Wisconsin.gov>  
**Sent:** Wednesday, January 23, 2013 3:35 PM  
**To:** Grant, Peter  
**Subject:** Charter school oversight board

Hi Peter – I thought, given the volume of stuff I'm about to provide I thought it would be more clear/understandable if it was written out.

✓ Page 2 – we should have 4, instead of 2, Governor appointees.

✓ Page 3 – I think we can omit Sections 4, 5 and 6, and I believe Section 13 on page 5. Instead, we would like to attach the board to DPI for administrative purposes, with the intent that DPI will provide any needed staffing.

✓ Page 6 – I don't recall if we discussed this, but is there a reason we are changing from "individual or group" on line 7 to "person"? Is that drafting conventions, or just making it match SB 22? I think we actually may want to permit groups to operate a charter school.

✓ Page 7 – Regarding your note, I think (b)(2)b is fine as written.

Page 7 - There are a couple items to be added to the charter contract requirements:

- In the first one, I think we want to be more specific – we would like the contract to include academic and operational performance expectations developed in accordance with the authorizer's performance framework ] ?  
that comply with applicable state and federal accountability requirements. Expectations should be set annually, and may be revised from time to time upon the mutual agreement of the parties.
- ✓ • Methodology for monitoring and verifying full-time student enrollment, credit accrual and course completion
- ✓ • A description of the administrative relationship between the operator and the authorizers.
- ✓ • A requirement for parent-teacher conferences
- ✓ • A requirement that if multiple schools are operated under the same contract, that they report on the performance standards separately *What report?*
- ✓ • A requirement that schools provide needed data to the authorizers for purposes of state reporting.

Page 7 – on the question of the transfer... is there any prohibition on the transfer of students? The section is intended to prevent bad operators from transferring kids to another one of their schools, and then going to work at the other school once the bad school is closed. If it's permissible, even if not specifically authorized, I think we'd want to include something – but perhaps it would be a report to the board in any year in which 20% or more of students that attended one school of the operator now attend another school of the operator.

Page 7/8 – There are several more things to add for the authorizer application to the board:

- ✓ • I think we can eliminate (a), and instead autonomy will be addressed in the charter school governing board section. The language proposed to address autonomy is already included in the draft, so we're all good on this.
- ✓ • Strategic plan for chartering schools based on high-quality proposals that meet identified educational needs and promote a diversity of educational choices. Maybe we could fold (d) into this as well.
- ✓ • A draft performance framework to use as a guide in the establishment of charter contracts and for ongoing oversight and evaluation of schools. The performance framework shall address student proficiency, growth in student academic achievement, achievement gaps, growth in the achievement of major student subgroups (closing gaps), attendance, recurrent enrollment, postsecondary readiness, financial proficiency and sustainability and board performance and stewardship. The framework shall allow the inclusion of additional rigorous, valid and reliable indicators proposed by an operator; and require the disaggregation of all student performance data by major student subgroup (gender, race, poverty status, special education status, ELL status and gifted status). ] ?
- ✓ • Information on budget and personnel capacity of the authorizer to conduct the chartering activities
- A draft of any solicitation and requirements for charter school operator applicants

- ✓ • Assurances that authorizers will ensure public accountability and transparency
- ~~Consent to participate in any board-required authorizer training~~
- Consent to provide annual reports to the board regarding any school that had its contract nonrenewed or revoked; academic and financial performance of each school; operating costs of the governing board of each school (in an audited financial statement prepared in accordance with GAAP); and services provided to schools and related costs.
- ✓ • Also, regarding your note on presumptive approval – we could instead make it a plan for replication of schools of successful operators. *how?*
- ✓ • I think we could eliminate (e) if we use the performance framework language.

✓ Page 9 – We can eliminate Section 25 – the decision has been made that there will be no restrictions on the ability of authorizers to set up schools, or for pupils to attend those schools.

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Additional provision:

- \* • Require authorizers to be responsible for evaluating school compliance with the contractual performance standards

Let me know of questions Peter – thanks!

Sara Hynek  
 Team Leader, Education and Workforce Development Team  
 State Budget Office  
 Wisconsin Department of Administration  
 608-266-1037

## Grant, Peter

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**From:** Hynek, Sara - DOA <Sara.Hynek@Wisconsin.gov>  
**Sent:** Thursday, January 24, 2013 11:55 AM  
**To:** Grant, Peter  
**Subject:** FW: Charter school oversight board

Hi Peter – Michael gave the go-ahead to just omit the transfer notification thing on page 7. Also, they would prefer that the board not have rulemaking authority, but instead be exempted from Ch. 227, but only in limited circumstances. The board would only be able to issue policies related to reporting of school performance. *No – make exemption general*

Also, can we require the charter contract to include a description of any training requirements? We would then remove the training requirement from the authorizer application section.

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**From:** Hynek, Sara - DOA  
**Sent:** Wednesday, January 23, 2013 3:35 PM  
**To:** Grant, Peter - LEGIS ([Peter.Grant@legis.wisconsin.gov](mailto:Peter.Grant@legis.wisconsin.gov))  
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